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EXAMINER	
HOPKINS, CHRISTINE D	

ART UNIT	PAPER NUMBER
3735	

DATE MAILED: 05/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/729,782	PEDERSEN ET AL.	
	Examiner	Art Unit	
	Christine D. Hopkins	3735	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-28 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-28 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 6 January 2005.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: At page 1, line 4, "priority from" should read –benefit of--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. Claims 2,3 and 22-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 2 and 3, the claims are indefinite because it is unclear whether the chuck actually includes a septum. The examiner notes that Applicant has failed to positively recite a needle and a septum in claim 1, but claims 2 and 3 recite positive limitations directed to the septum. Therefore, it is unclear whether Applicant is only claiming the chuck or the combination of a chuck with a needle and a septum.

Claims 22-24 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the "chuck connection device" and the "applicator chuck." The

"chuck connection device" is not related to the other structural elements of the claimed subject matter.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 4-11,15-18 and 22-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Steele, Sr. et al (U.S. Patent No. 6,572,527). Steele, Sr. et al (hereinafter Steele) discloses a radioactive seed-holding system for application in a brachytherapy procedure. In reference to claim 1, the seed-holding system (element 10 of Fig. 2) comprises a transfer device (element 46 of Fig. 2) which defines a channel comprising a proximal end and a distal end (see col. 2, lines 60-67) where seeds are dispensed to a typical applicator through an applicator bore (element 98 of Fig. 7), or "septum" into an implantation needle (see col. 7, lines 12-17 and Fig. 7).

With respect to claim 4, Steele teaches a device, comprising two components, both components being made of plastic (see col. 2, lines 23-26). In reference to claim 5, any chuck can be made "disposable," however the seed-holding system of Steele

provides for a holder (see element 12 of Fig. 1) which may be disposable (see col. 2, lines 4-5).

In regards to claim 6, the transfer device of Steele (containing the channel as previously mentioned) can contain metal to provide radiation shielding (see col. 5, lines 1-2).

With respect to claim 7, the holder (element 12 of Fig. 2) of Steele is the "magazine well" which holds the seeds to be delivered, and the transfer device (element 46) is coupled to or acts to retain the seed holder (element 12), thus serving as a "seed magazine retention structure" (see col. 3, lines 16-20).

In reference to claims 8-10, Steele describes that a pusher assembly (element 54 of Fig. 2 and 3), to include a push disk, element 80, can be located at the proximal end of the main housing, element 48, to function as an "insert" to the housing (see col. 6, lines 20-22 and Fig. 2). The push disk, and other immediately surrounding components to comprise the "insert" can be made of any material (e.g., metal or plastic). Refer to col. 6, lines 33-36 and Fig. 3.

With regards to claim 11, the "insert" or pusher assembly of Steele, located at the proximal end, contains a push disk (element 80) that has a diameter complementary, or "essentially the same as," that of the distal end in order to facilitate insertion into the housing, element 48. Refer to Fig. 3.

In reference to claims 15-17, Steele discloses a transfer device (element 46), or "seed magazine retaining structure" to enclose the "seed magazine", or holder, element 12 of Fig. 1 (see rejection supra regarding claim 7). With reference to the "cantilever" of

claim 16, the apparatus of Steele comprises a "sleeve-like cavity" (element 16 of Fig. 3) that is a projecting structure, or "cantilever" which contains the seed holder (element 12). Fig. 3 depicts the removal of this assembly, while Fig. 2 demonstrates this projecting structure bearing the load of the radioactive seeds, thus serving as a "cantilever". Also refer to col. 3, lines 32-51. With regards to claim 17, the "protrusion" or sleeve-like cavity of Steele engages the seed holder (element 12), or "seed magazine" (see col. 3, lines 32-51 and Fig. 2 and 3).

With respect to claim 18, Steele discloses a transfer device (element 46 of Fig. 1) or "chuck housing" and a holder (element 12) or "chuck" for the delivery of radioactive seeds, with the "chuck" comprising a proximal and distal end, and a channel extending therebetween. The "chuck" or holder can contain a needle (see col. 1, lines 46-48) and is engaged by the "chuck housing" or transfer device via elements 26 and 28, the disk protrusions (refer to Fig. 4A and 4B), which act to couple the two components (see col. 3, lines 60-61).

In reference to claims 22-24, claim 22 recites a "chuck connection device" which imparts no definitive structure to the limitation, thus the transfer device (element 46) of Steele serve as a connection to the "chuck," or holder since it is directly coupled to it. Regarding claim 23, this transfer device contains a distal and proximal portion, further providing a spring-loading mechanism (element 94 of Fig. 2) or "lock" for seeds within the holder (see col. 6, lines 60-67). The device of Steele, with respect to claim 24, is capable of being configured to retain a radiation shield.

5. Claims 1, 4-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Pedersen et al (U.S. Patent No. 6,656,107). The applied reference has a common inventor and assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131. Pedersen et al (hereinafter Pedersen) discloses a brachytherapy applicator for delivering radioactive seeds to a patient. With respect to claim 1, the brachytherapy applicator chuck of Pedersen comprises a "channel" with a proximal and distal end (see Fig. 2) and is capable of being "adapted to" contain a needle.

In reference to claims 4-7, the chuck of Pedersen can comprise plastic (see col. 4, lines 39-41); is capable of being "disposable," and the "channel" may be configured to contain a radiation shield. The chuck of Pedersen also defines a "seed magazine well" or slot for receiving seed magazines and a "seed magazine retaining structure" (see col. 2, lines 21-29).

In reference to claims 8-11, the chuck of Pedersen contains a proximal end (see Fig. 1) and can be configured to hold an insert. The chuck can further comprise an insert, or "seed magazine" in the slot, element 30, and be made of any rigid material or plastic (see col. 4, lines 39-41). With respect to claim 11, a portion of the "insert" of Pedersen has a cross-sectional diameter essentially the same as the cross-sectional

diameter of the proximal end in order to facilitate insertion into the apparatus (refer to Fig. 2).

In regards to claims 12-14, the applicator chuck of Pedersen defines one or more vents which can permit blood cells and other contaminating particles to exit, and a "reservoir" or hollow shell (element 52 of Figs. 4 and 5). See col. 6, lines 41-45 and lines 52-53).

With respect to claims 15-17, the chuck of Pedersen comprises a seed magazine retaining structure, element 50, of Fig. 4 (see col. 6, lines 40-41), with this seed magazing retaining structure being capable of serving as a "cantilever" since the ball of the ball-plunger (or magazine retaining structure) protrudes to engage, or carry the load of, a seed magazine, while being supported at the opposite end by a spring (see col. 6, lines 40-45). The ball-plunger, as taught by Pedersen, defines a "protrusion," or ball, element 54 to engage the seed magazine. (see col. 6, lines 42-52).

With respect to claim 18, the applicator chuck of Pedersen comprises a "chuck" (element 22 of Fig. 2), defining two ends (distal and proximal) forming a channel. In the instance of one particular embodiment, Pedersen teaches a "cylindrical chuck" (element 22 of Fig. 2). Also see col. 5, lines 62-67 and col. 6, lines 1-3. With respect to the "needle," the invention of Pedersen discloses a chuck for releasably holding a needle (see col. 4, lines 30-31). In reference to the "chuck housing configured to engage said chuck," the housing so claimed may contain at least part of the seed magazine, hence the slot (element 30) of Pedersen contains the seed magazine, comprising a side

surface (element 32 of Fig. 2), second side surface (element 34), and back surface (element 36), thus constituting a "housing" (see col. 5, lines 62-65 and col. 6, lines 4-6).

With respect to claims 19-20, the leaf spring disclosed by Pedersen (element 250 of Fig. 13), or "insert" located at the proximal end of the chuck (element 258), connects the chuck and the "chuck housing" or slot (element 30) via a screw (element 265) that extends through a screw opening (element 268 of Fig. 14) to come in contact with the leaf spring or "insert." In reference to claim 20, the screw opening (element 268) extends from an exterior surface to the "channel" or slot (element 30) of the chuck (element 258) to come in contact with the "insert" or leaf spring which attaches the two components via a screw (element 265), or other suitable means. In reference to claim 21, the "insert" or leaf spring (element 250) is in direct contact with the "chuck housing" or slot (element 260) by way of a screw (see col. 8, lines 50-63, and Fig. 13).

In regards to claims 22 and 23, the "chuck connection device," as taught by Pedersen, comprises a structure, element 40 of Fig. 3, that can protrude from the back surface of the slot (element 30), or "chuck housing" to connect it to the chuck, thus constituting a "chuck connection device." This structure, containing a spring, can have two openings, to be "distal" and "proximal" portions. Furthermore, the structure acts to engage and retain, or lock, an object placed within the slot (see col. 6, lines 14-25).

6. Claims 1,4-9,11,15-17 and 25-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Fontayne (U.S. Patent No. 6,629,960). Fontayne discloses a medical instrument, containing a needle hub assembly, for delivery of radioactive seeds to a patient's body. With respect to claims 1 and 25, Fontayne teaches an instrument, or

"applicator" of radioactive seeds, composed of a proximal and distal end (see col. 6, lines 41-44), thus defining a "channel," and a needle hub (element 1220 of Fig. 13), comprising a needle release arm retention slot (element 1330 of Fig. 13) or "needle retention member" to retain the needle within the instrument (see col. 2, lines 45-49 and col. 9, lines 44-49).

With respect to claims 4-6, the "applicator" of Fontayne contains a needle hub that is preferably made of plastic (col. 9, lines 39-40), having the capability of being disposable and configured to contain a radiation shield.

In regards to claims 7-9 and 15, the proximal end of the "applicator" of Fontayne defines a "well" for placement of the seed magazine (element 110 of Fig. 1), and the medical device (element 700) or "structure" retains the seed magazine. This device is configured to hold an "insert," this "insert" being element 110, or a seed cartridge (see col. 6, lines 12-14). With respect to claim 11, the "insert" or seed cartridge has a cross-sectional diameter "essentially the same as" the cross-sectional diameter of the proximal end in order to facilitate insertion of the seed cartridge into the device (refer to Fig. 1).

In reference to claims 16-17, the "seed magazine retaining structure" or medical device (element 700) of Fontayne defines a "cantilever" when joined with the targeting fixture (element 720) as evident in Fig. 10. With respect to the "protrusion," the medical device of Fontayne protrudes from the assembly as seen in Fig. 10. This protrusion is configured to engage a seed "magazine" or cartridge, element 110 (see col. 6, lines 12-14).

In regards to claims 26-28, the "needle retention member" or needle hub assembly, as taught by Fontayne comprises a needle release arm (element 1810 of Fig. 18), or "flex beam," capable of being in a down position, hence its ability to "flex." The assembly also includes an actuation cam, or "actuator" (element 1814 of Fig. 18) and a needle release arm (element 1819 of Fig. 18), or "pivot structure" that pivots about a pivot point (element 1855 of Fig. 18). Refer to col. 15, lines 36-46 and Figs. 18 and 19. In reference to claim 27, the needle release arm is shown in the down position in Fig. 18, thus helping to hold the needle assembly in place, and thereby also exerting a "force" against the needle (see col. 15, lines 38-31). The needle release arm (element 1810) or "flex beam" of Fontayne raises up about a pivot point out of the needle retention slot (element 1330 of Fig. 18), thus releasing itself of the stress incurred upon placement into this slot when holding the needle assembly (element 1225 of Fig. 19) for separation from the medical instrument. Refer to col. 15, lines 36-50 and Figs. 18 and 19.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steele (U.S. Patent No. 6,572,527) in view of Matsuura (U.S. Patent No. 6,183,461). Steele discloses the invention as claimed, see rejection supra; however, Steele does

not teach a septum comprising an elastomeric material, wherein said elastomeric material comprises silicone. Matsuura teaches a drug delivery device to be inserted into a body cavity, which can be controlled to be site specific. In reference to claims 2 and 3, the septum of Matsuura, also referred to as a valving member (element 42 of Fig. 4), is made of silicone rubber or other biocompatible elastomeric material for resealing the opening following removal of the piercing device (see col. 8, lines 58-67 and col. 9, lines 1-3). Furthermore, the push rod of Steele will slide back and forth through this applicator bore, or "septum," while the septum or valving member of Matsuura allows for multiple insertions via the resealing mechanism of its biocompatible elastomeric material (see col. 8, line 67 and col. 9, lines 1-3). Therefore, it would have been obvious to one of ordinary skill in the art to have made the device of Steele to include the elastomeric, silicone septum of Matsuura to allow for resealing of the "septum" to prevent the flow of any liquid or material which might become residual as a consequence of insertion into a body cavity.

9. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steele (U.S. Patent No. 6,572,527) in view of Cook (U.S. Pub. No. 2002/0107483 A1). Steele discloses the invention as claimed, see rejection supra, however Steele does not teach vents to permit the exit of air or contaminants from the device. Cook discloses a piercing system for the delivery of a material to a patient geared towards reducing the amount of contaminants introduced back into the system from the patient's body. In reference to claim 12, Cook teaches a vent (element 74 of Fig. 4) that allows air to escape from a housing (element 54 of Fig. 4) comprising a cavity (element 62 of Fig. 4)

or "channel" and fluids withdrawn through the needle tip to escape and be contained within the vent (see [0040]). With respect to claims 13 and 14, the invention of Cook comprises a chamber when the vent is capped (preventing egress of fluids) with element 91 of Fig. 4, thus defining a "reservoir" where air is permitted to exit the "channel" or cavity (element 62) of the invention and completely exit the invention from this "reservoir". Refer to [0040] and [0042], in addition to Fig. 4 of Cook. The device of Steele incorporates an applicator bore (element 98 of Fig. 7), defining a "channel" which leads to the bore end (element 30 of Fig. 7) where a seed is deposited for transfer to a needle, and subsequently the patient. The vent of Cook is capable of being attached to, or notched into (as in Fig. 4 of Cook) the "channel" or end of the applicator bore of Steele where the needle is to be injected to allow any air or contaminants received from the body of the patient to escape prior to retraction back into the applicator (element 96 of Fig. 7) of Steele. The vent of Cook also may be adapted to the "channel" of Steele to comprise a vent cap, thus defining an enclosure, or "reservoir." The air and contaminants resulting from the needle in the applicator bore (element 98 of Fig. 7) of Steele will be permitted to enter this "reservoir" including a vent cap, to complete this chamber or "reservoir" and exit the instrument if in a gaseous state, such as air. Moreover, at the time of the invention it would have been obvious for one of ordinary skill in the art to have made the device of Steele to include the vent, chamber and vent cap of Cook to allow air or contaminants to escape the instrument, thus preventing them from entering the medical device.

10. Claim 24 is rejected under 35 U.S.C. 103(a) as being obvious over Pedersen (U.S. Patent No. 6,656,107) in view of Steele (U.S. Patent No. 6,572,527). The applied reference has a common inventor and assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2).

Pedersen discloses the invention as claimed, see rejection supra; however Pedersen does not teach a device for retaining a radiation shield. The examiner notes that any device can be "configured to" retain a radiation shield. Steele discloses a radioactive seed-holding system for application in a brachytherapy procedure to further include a shield to provide radioactive shielding around the seed holder. In reference to claim 24, the "chuck connection device" of Pedersen comprises a structure, element 40

of Fig. 3, that can protrude from the back surface of the slot (element 30), or "chuck housing" to connect it to the chuck, thus constituting a "chuck connection device." Moreover, this slot receives the seed holder thus comprising a "shield" around the holder, further rendering it capable of providing radiation shielding (see col. 8, lines 50-63, and Fig. 13 of Pedersen). Therefore, at the time of the invention it would have been obvious for one of ordinary skill in the art to have made the "chuck connection" device of Pedersen to include the radiation shielding of Steele to provide shielding around the holder which contains the seeds to be dispensed to reduce the risk of radiation exposure to medical staff (see also col, 2, lines 9-11 of Steele).

Double Patenting

11. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

12. Claim 1 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,656,107. Although the conflicting claims are not identical, they are not patentably distinct from each other because both the patent claim and claim 1 of the instant application positively recite a brachytherapy chuck defining a channel (slot) where the chuck is capable of containing a needle and septum, while the patent claim recites additional limitations not required by claim 1 of the instant application. Since the patent claim can be said to "anticipate" claim 1 of the instant application, the claims are not patentably distinct.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,752,753 to Hoskins discloses a brachytherapy instrument, comprising a needle housing for delivering radioactive seeds.

U.S. Patent No. 6,561,967 to Schmidt discloses brachytherapy device comprising an applicator and a seed cartridge, further including radioactive shielding.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine D. Hopkins whose telephone number is (571) 272-9058. The examiner can normally be reached on Monday-Friday, 7 a.m.-3:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor, II can be reached on (571) 272-4730. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christine D Hopkins
Examiner
Art Unit 3735
5/2/2006

CDH

Charles A Marmor, II
Supervisory Patent Examiner
Art Unit 3735